

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 14027 of 2022

Itismita Nayak

....

Petitioner

Mr. Ghanashyam Muduli, Advocate

-versus-

***Kendriya Vidyalaya Sangathan,
New Delhi & others***

....

Opp. Parties

Mr. Hrusikesh Tripathy, Advocate

**CORAM:
JUSTICE M.S. SAHOO**

ORDER

24.06.2022

Order No.

- 02.
1. This matter is taken up through hybrid mode.
 2. The brief facts of the case are that the petitioner, mother guardian of a minor student who had applied for admission into Kendriya Vidyalaya-I, C.D.A., Cuttack for the academic session 2022-23 has filed the writ petition challenging the action of the opposite parties, Kendriya Vidyalaya authorities in not giving admission to the students as per the admission notice (Annexure-1), where the student's name finds place at Sl. No.6.
 3. The writ petition bearing W.P.(C) No.11562 of 2022 which is also taken up today along with batch of writ petitions involving facts identical to the present case, has been allowed.
 4. Learned counsel for opposite party-Kendriya Vidyalaya Sangathan also relies on the affidavit dated 11.06.2022 filed in W.P.(C) No.11562 of 2022 i.e. filed pursuant to the order dated 18.05.2022 passed in W.P.(C) No.11562 of 2022. The affidavit has been filed through Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Pragati Vihar, Mancheswar, Bhubaneswar. Para-4 of the said affidavit dated 11.06.2022 is quoted herein :-

RJ

“4. That the Amended/Revised Admission Guidelines for the Session 2022-23 will operate Prospectively. Hence, the order dated 12.04.2022 will applicable prospectively.”

Further at para-7 of the affidavit, the following has been stated:-

“7. xxx xxx. Therefore, the Special Provisions Scheme continued till it was withdrawn by the order dated 12.04.2022 of the Competent Authority.”

5. It has been argued by the learned counsel for the opposite parties that the admission those are notified, as per the Special Provisions Scheme, are provisional subject to verification of original documents and payment of fees.

6. Learned counsel for the petitioner submits in the present case, in fact, the petitioner was asked to submit their detail particulars along with Transfer Certificate for taking admission and as far as students are concerned, no further action was left to be done by the students for getting admission after their admissions were notified. It is further submitted that the Transfer Certificate dated 08.04.2022 (Annexure-3) of the student was issued by the School.

7. There is no indication in the affidavits filed by the opposite parties that the students did not comply with any of the condition of admission after the admission notice was notified by the Kendriya Vidyalaya.

8. In view of the very fair stand taken by the opposite parties in the affidavit dated 11.06.2022 in response to the order dated 18.05.2022 in W.P.(C) No.11562 of 2022, at para-4 and para-7

(which are quoted herein):-

“4. That the Amended/Revised Admission Guidelines for the Session 2022-23 will operate Prospectively. Hence, the order dated 12.04.2022 will applicable prospectively.

7. xxx xxx. Therefore, the Special Provisions Scheme continued till it was withdrawn by the order dated 12.04.2022 of the Competent Authority.” ;

the writ petition has to be allowed.

9. It is directed that the authorities shall grant admission to the student as per the Admission Notice issued by Kendriya Vidyalaya-I, CDA, Cuttack, annexed to the writ petition marked as Annexure-1. The admission process shall be completed immediately after receipt of the certified copy of this order.

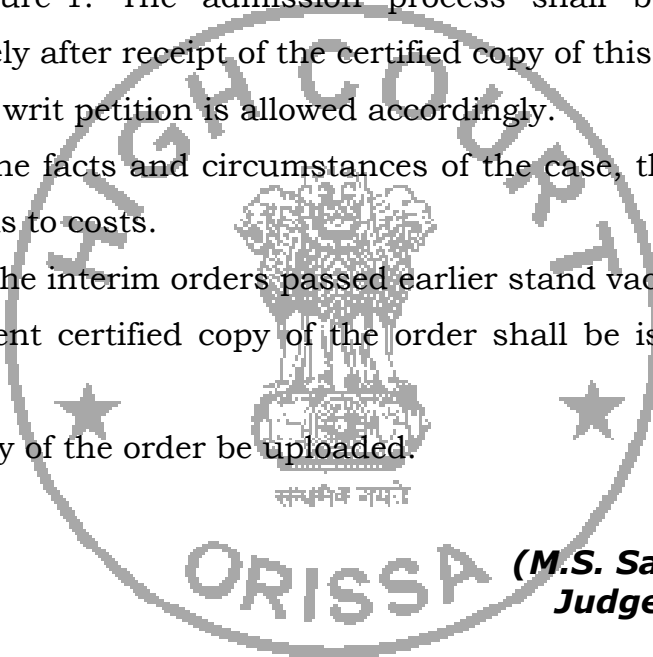
10. The writ petition is allowed accordingly.

11. In the facts and circumstances of the case, there shall be no order as to costs.

All the interim orders passed earlier stand vacated.

Urgent certified copy of the order shall be issued as per rules.

Copy of the order be uploaded.



(M.S. Sahoo)
Judge